

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.11420 of 2007

Date of decision 3. 8 .2007

Ranvir Singh .. petitioner

Versus

Punjab and Sind Bank .. Respondent

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

PRESENT: Mr.Navjeet Singh, Advocate for the petitioner

M.M.Kumar, J.

This petition filed under Article 226 of the Constitution prays for quashing order dated 14.12.2004 (Annexure P.6) passed by Civil Judge (Sr. Division) Fatehgarh Sahib directing the petitioner to pay an amount of Rs. 2,22,250/- to the decree holder respondent. It is further prayed that a direction be issued to the respondent to settle the loan amount as per the guidelines issued by Reserve Bank of India for one time settlement of NPAs Scheme.

When the matter came up for consideration on 30.7.2007, we asked the learned counsel to apprise the Court about the result of C.R.No. 1930 of 2006 and the hearing was adjourned for today. The Registry has sent file of CR No.1930 of 2006 dismissed on 23.4.2007. A perusal of the order dated 23.4.2007 shows that the decree against the petitioner has already been passed for the recovery of Rs.80,265.34P. The decree holder-

respondent apart from the decretal amount has also been held entitled to future interest at the stipulated rate from the date of the suit till the date of realisation. When the execution of the decree was undertaken some objections were filed by the petitioner being Judgement Debtor which were dismissed on 23.2.2006. The order dated 23.2.2006 was subject matter of challenge in CR No.1930 of 2006. The objection raised was that no rate of interest was stipulated. However, on the reading of the plaint and documents produced on record, the executing Court has found that rate of interest was 11 % p.a. and held that the calculations submitted by the decree-holder respondent were correct. It further held that the amount claimed by the decree-holder was liable to be paid by the judgement debtor -petitioner. The order of the executing Court has been upheld by this Court. Accordingly, the revision petition was dismissed.

We have heard the learned counsel for the petitioner at a considerable length and find that he has not been able to explain why the order dated 23.4.2007 passed by this Court in CR No.1930 of 2006 was not produced on record. Even otherwise, we find that once this Court has expressed the opinion that the decretal amount alongwith interest was rightly calculated and the same was payable. The remedy of invoking the writ jurisdiction of this Court would not be warranted by challenging an earlier order dated 14.12.2004 passed by executing Court once the later order dated 23.2.2006 dismissing the objection of the petitioner has been upheld by this Court. We find there is complete mis-use of the process of the Court. The petitioner has attempted to over-reach the Court, and therefore, it is not possible to grant the petitioner any equitable relief postulated by Article 226 of the Constitution. Therefore, the writ petition is

liable to be dismissed.

For the reasons afore-mentioned this petition fails and the same is dismissed.

(M.M.Kumar)
Judge

3.8.2007
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(Ajay Kumar Mittal)
Judge